

EXHIBIT 2

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)
)
Plaintiff,)
)
vs.) Case Nos.
) 1:19-cv-12551-FDS
GOOGLE LLC,)
)
Defendant.)
)

* * * [REDACTED] * * *

REMOTE VIDEO DEPOSITION OF
DR. SUNIL P. KHATRI

DATE TAKEN: MARCH 23, 2023

REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR

JOB NO. 5805108

PAGES: 1 - 349

1 these -- the patents, yeah.

2 Q. And did you -- have you reviewed
3 Dr. Walker's rebuttal report?

4 A. No, I have not.

5 Q. You haven't reviewed -- 10:40:37

6 A. This is the -- is this the -- like this
7 is the rebuttal report of Google? Is that what
8 is --

9 Q. Yeah, Dr. Walker is Google's retained
10 expert. 10:40:47

11 A. I haven't looked -- I haven't looked at
12 that. Because in this, in preparation for this
13 deposition, I have looked at my -- my reports,
14 basically.

15 Q. But even outside of preparation for the 10:40:56
16 deposition, have you -- have you looked at
17 Dr. Walker's report?

18 A. No, I haven't.

19 MR. SEEVE: Objection. Asked and
20 answered. 10:41:05

21 And I would just caution the witness not
22 to reveal any communication between, you
23 know, Dr. Khatri and Singular's attorneys.

24 But -- but you can answer.

25 THE WITNESS: I have -- 10:41:14

1 that two days because one of them is for
2 first report and one of them is for the
3 second report.

4 So that corroborated my opinion -- I mean
5 all my -- my idea that this deposition was 11:07:02
6 purely about my two reports.

7 BY MR. BHANSALI:

8 Q. Okay. But you also --

9 A. Because that's what I -- that's what I
10 said -- that's what I can speak to. 11:07:12

11 Q. But you're also going to be potentially
12 testifying at trial in this matter; is that right?

13 MR. SEEVE: Objection. Calls for
14 speculation.

15 THE WITNESS: I couldn't -- I couldn't 11:07:25
16 answer that because I don't know that's -- if
17 that's the plans of the attorneys. So I
18 really wouldn't know if that's the -- if
19 that's -- if that's going to be expected of
20 me. 11:07:37

21 BY MR. BHANSALI:

22 Q. Okay. Well, have you been engaged to
23 testify at trial if -- if requested?

24 MR. SEEVE: Objection. I'd just like to
25 counsel the witness not to reveal any 11:07:46

1 privileged communications.

2 But you can answer that question.

3 THE WITNESS: So I don't really know
4 right now because it's possible that they
5 decide to switch and go to someone else or to 11:07:57
6 stay with me. But I don't know the answer to
7 that question.

8 BY MR. BHANSALI:

9 Q. Okay. I'm just asking what the scope of
10 your engagement is. Have you been engaged in this 11:08:03
11 matter -- does the scope of your engagement
12 include potentially testimony at trial?

13 MR. SEEVE: Objection. I'm going to
14 instruct the witness not to answer that
15 question. This is -- involves -- 11:08:16

16 MR. BHANSALI: You're claiming privilege
17 over the scope of the expert's engagement? I
18 mean, that's fine, if you want to instruct
19 him not to answer, that's your prerogative.

20 But I just want to make sure we're clear. 11:08:26
21 I'm simply asking him what the scope of his
22 engagement is. If you want to claim
23 privilege on that and instruct him not to
24 answer, that's your prerogative, and we'll
25 address that with the judge. 11:08:36

1 recall any conversation to that effect.

2 Q. Okay. So at present, as far as you're
3 aware, you have not entered into an engagement to
4 testify at trial on Singular's behalf?

5 MR. SEEVE: Objection. Calls for a legal 11:09:53
6 conclusion.

7 MR. BHANSALI: I'm asking for his
8 understanding.

9 THE WITNESS: You know, there's this
10 agreement that I signed. I don't know 11:10:01
11 exactly what -- what the agreement said.

12 But as far as I know, we haven't
13 discussed -- discussed this matter as to
14 whether I'll be representing Singular and
15 Prince Lobel, I suppose, at the trial or not. 11:10:13
16 I don't know the -- I don't know whether
17 that's going to be the case or not.

18 BY MR. BHANSALI:

19 Q. So, then, you haven't evaluated
20 Dr. Walker's report to form any opinions in -- in 11:10:26
21 response to that?

22 MR. SEEVE: Objection. Vague and
23 ambiguous. Mischaracterizes the witness's
24 testimony.

25 ///

1 To the extent that this calls for any
2 conversation -- any information about
3 conversations you had with Singular's
4 attorneys, I would instruct you not to
5 answer. 11:11:33

6 But you can answer the question to the
7 extent it does not.

8 MR. BHANSALI: Wait a minute, Brian. Let
9 me ask the question differently.

10 BY MR. BHANSALI: 11:11:38

11 Q. Outside of any conversations with
12 attorneys, have you been informed of the content
13 of Dr. Walker's report?

14 A. I have no information about the content
15 of Dr. Walker's report. 11:11:50

16 Q. Okay. And in the context of
17 conversations with attorneys, have you been
18 informed of the content of Dr. Walker's report?

19 MR. SEEVE: Objection. I'm going to
20 instruct the witness not to answer as it 11:12:02
21 relates to the content of conversations that
22 Dr. Khatri has had with attorneys.

23 BY MR. BHANSALI:

24 Q. Okay. And I'll ask one more question
25 just to make the record clear here, and this is 11:12:14

1 looking at. It was on page 18, paragraph 85 of
2 your report.

3 A. Yeah.

4 Q. Okay. So the first part of that
5 execution unit claim construction refers to a 03:06:49
6 processing element.

7 Do you see that?

8 MR. SEEVE: Objection. Mischaracterizes
9 the document.

10 THE WITNESS: So the claim construction 03:06:58
11 for execution unit says "processing element
12 comprising an arithmetic circuit paired with
13 a memory circuit."

14 So it does include the language
15 "processing element." 03:07:10

16 BY MR. BHANSALI:

17 Q. And do you have an understanding as a
18 person of ordinary skill in the art of what a
19 processing element is?

20 A. So, again, you know, a person of ordinary 03:07:19
21 skill in the art, reading the entirety of this
22 claim construction language, because it would
23 be -- it would be prudent to look at all -- the
24 entire language altogether, so they would look at
25 this and read this as a "processing element" 03:07:40

1 comprising an arithmetic circuit."

2 So that would inform them that this
3 processing element comprised an arithmetic
4 circuit, of course, and then it also says "paired
5 with a memory circuit." 03:07:52

6 Q. Apart from it being comprising -- apart
7 from it comprising an arithmetic circuit paired
8 with a memory circuit, do you have an
9 understanding as a person of ordinary skill in the
10 art of what a processing element itself is? 03:08:08

11 MR. SEEVE: Objection. Calls for a legal
12 conclusion. Vague and ambiguous.

13 THE WITNESS: So, again, a person of
14 ordinary skill in the art reading this
15 language, you know, when they saw the 03:08:17
16 language "processing element comprising an
17 arithmetic circuit," they would -- you know,
18 they would -- they would make a conclusion
19 that this processing -- this processing
20 element that's described comprises an 03:08:32
21 arithmetic circuit.

22 And then for -- excuse me, for further
23 sort of edification in terms of what -- what
24 the processing element was, they would refer
25 to, you know, the specification, which is 03:08:45

1 intrinsic evidence that they would first look
2 at, rather than just, you know, apply their
3 own sort of understanding, you know, of what
4 a processing element is or was.

5 Because they would -- you know, the 03:09:02
6 correct way to read this is to be -- you
7 know, to be informed by the -- by the
8 language of the patent, which includes the
9 specification of it.

10 BY MR. BHANSALI: 03:09:15

11 Q. In your report, do you identify any
12 particular part of the patent specification that
13 informs your understanding as a person of ordinary
14 skill in the art of what a processing element is?

15 MR. SEEVE: Objection. Assumes facts not 03:09:28
16 in evidence. Vague and ambiguous.

17 THE WITNESS: May I ask you to repeat the
18 question, please.

19 BY MR. BHANSALI:

20 Q. In your report, do you identify any 03:09:40
21 particular part of the patent specification that
22 informs your understanding as a person of ordinary
23 skill in the art of what a processing element is?

24 MR. SEEVE: Same objections.

25 THE WITNESS: So, you know, in -- in -- 03:09:51

1 if there's -- you know, I mean, to be --
2 let's see.

3 The patent itself is, you know, is -- it
4 does refer to the language, and I can open
5 the patent and be -- to be sure. We do have 03:10:08
6 the patent as one of the exhibits; correct?

7 BY MR. BHANSALI:

8 Q. The patent is Exhibit -- it's Exhibit 9.

9 But, Dr. Khatri, my question was whether
10 your report -- whether your report identifies any 03:10:28
11 particular part of the patent specification that
12 informs your understanding as a person of ordinary
13 skill in the art of what a processing element is.

14 MR. SEEVE: Objection. Assumes facts not
15 in evidence. Vague and ambiguous. Calls for 03:10:43
16 a legal conclusion.

17 THE WITNESS: So I don't recall off the
18 bat if I -- you know, whether I've sort of
19 explained in my report what a processing
20 element is. 03:10:58

21 But I think that, you know, for person of
22 ordinary skill in the art, you know, looking
23 at this claim construction for execution
24 unit, which includes, you know -- which
25 starts with the language "processing" 03:11:08

1 element," if they looked at the patent, they
2 would find ample disclosure as to what a --
3 you know, what a processing element would be.

4 BY MR. BHANSALI:

5 Q. Okay. And, Dr. Khatri, again, I'm -- I'm 03:11:20
6 going to -- I am going to stop you here because
7 I'm not asking to you look at the patent.

8 MR. SEEVE: Sorry --

9 MR. BHANSALI: No, no, Brian, I'm not 03:11:29
10 going to have him testify about the patent
11 when I asked him a question about his report.

12 And my question was about the report, and
13 so I'm going to follow up with a question
14 about the report.

15 BY MR. BHANSALI:

16 Q. Dr. Khatri, do you have a searchable copy
17 of your report available?

18 A. I do have a searchable copy of the
19 report, yes.

20 Q. If you -- if you can take a minute, could 03:11:46
21 you search to see if there's any identification in
22 your report of any particular part of the patent
23 specification that informs your understanding of
24 what a processing element is?

25 MR. SEEVE: Objection. Objection. I -- 03:12:02

1 construction for execution unit in the
2 context of the '273 and '156 patents.

3 BY MR. BHANSALI:

4 Q. Do you understand the Court to have
5 construed the term "processing element"? 03:20:15

6 MR. SEEVE: Objection. Calls for a legal
7 conclusion. Vague and ambiguous.

8 THE WITNESS: If I look at the -- if I
9 look at the -- the claim terms that the Court
10 has construed, there's four of them: there's 03:20:28
11 repeated execution, there's low precision and
12 high dynamic range, there's execution unit,
13 and then there's a first input signal
14 representing a numerical value.

15 So the Court has not construed the term 03:20:44
16 "processing element." So therefore, a person
17 of ordinary skill in the art, when they were
18 reviewing the claim construction of the
19 Court, they would see the word "processing
20 element." 03:21:01

21 And to understand it better, they
22 would -- they would look at the patent and
23 any supporting -- I mean, and the -- and the
24 intrinsic -- and the contents of the patent,
25 which would mean the figures and the 03:21:14

1 specification, to inform them further about
2 what processing element would mean.

3 And there's a lot of disclosure in the
4 patent about what a processing element might
5 mean.

03:21:27

6 BY MR. BHANSALI:

7 Q. And so in forming your opinions, your
8 opinions as to what a processing element means,
9 was informed by the disclosures of the patent;
10 correct?

03:21:41

11 MR. SEEVE: Objection. Vague and
12 ambiguous.

13 THE WITNESS: Can you repeat that,
14 please? I couldn't hear that.

15 BY MR. BHANSALI:

03:21:47

16 Q. And so in forming your opinions as to
17 what a processing element means, your opinions
18 were informed by the disclosures of the patent; is
19 that right?

20 MR. SEEVE: Same objection.

03:21:58

21 THE WITNESS: So in forming my opinion
22 about what a processing element means, I
23 mean, like I said, I've already -- I had
24 already read the patent, and so I was
25 informed by what the patent states as to what

03:22:11

1 a processing element is.

2 BY MR. BHANSALI:

3 Q. But your report doesn't disclose what
4 parts of the patent informed your understanding of
5 what the processing element is; is that right? 03:22:29

6 MR. SEEVE: Objection -- sorry, I didn't
7 mean to cut you off there, Asim.

8 If that's the question, then objection.

9 Mischaracterizes the report.

10 Mischaracterizes the witness's prior 03:22:40
11 testimony.

12 THE WITNESS: Can you please repeat the
13 question.

14 BY MR. BHANSALI:

15 Q. Does your report disclose what part of 03:22:45
16 the patent informed your understanding of what a
17 processing element is? That's a yes-or-no
18 question.

19 MR. SEEVE: Same objection.

20 THE WITNESS: Just to be complete, right, 03:23:00
21 so the patent has numerous disclosures about
22 it, and it was -- you know, it was pretty
23 evident from that as to what was meant by
24 processing element.

25 So I didn't need -- I didn't see a need 03:23:11

1 to describe it in any further detail,
2 especially because this is an infringement
3 report, not a report on the details of the
4 patent.

5 So it -- my report just described the 03:23:20
6 patent briefly. For example, if you look
7 at -- it talks about the patents in -- trying
8 to remember where I wrote that part.

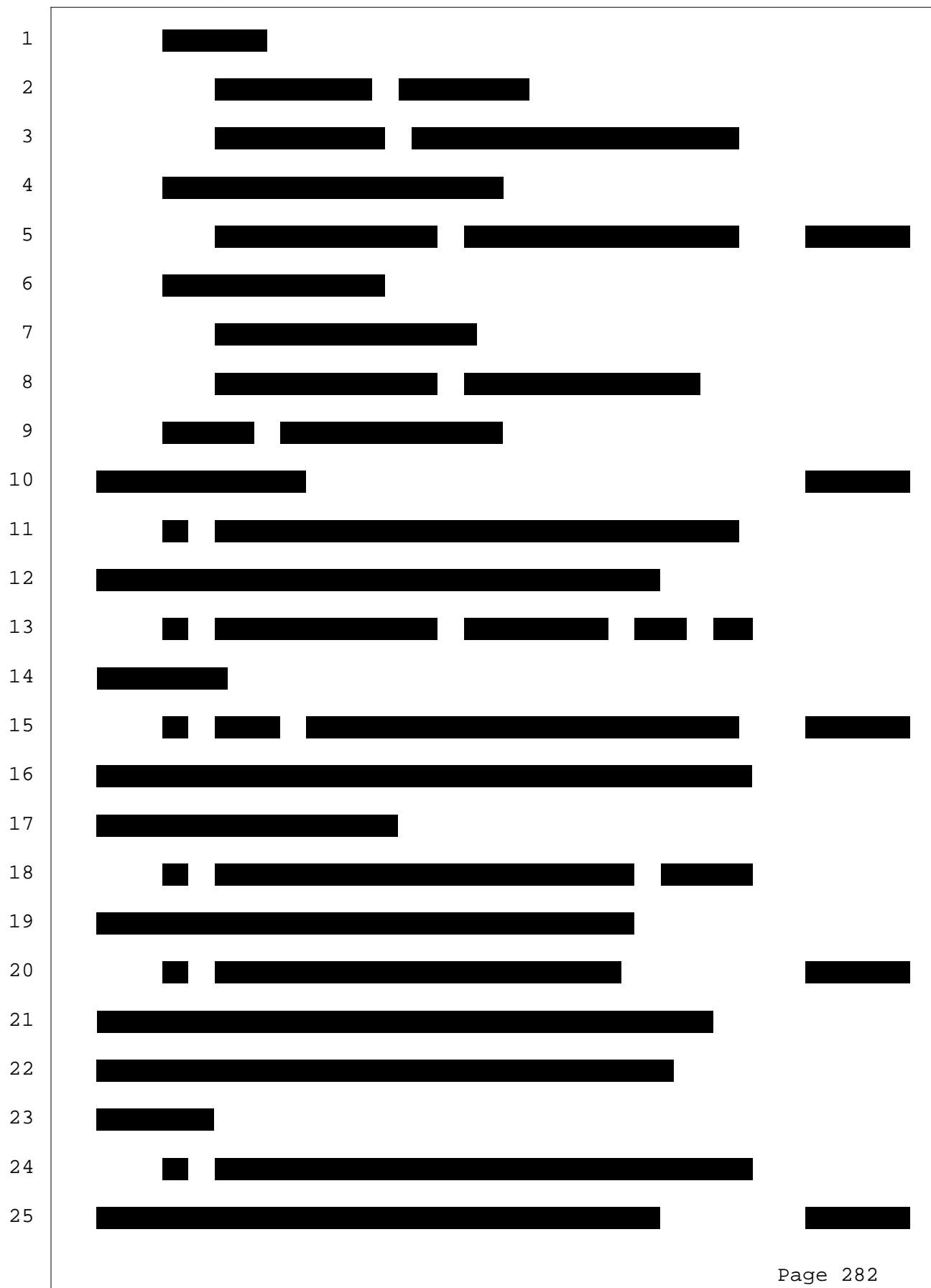
9 So the patents are described in just a
10 brief manner because the patents speak for 03:24:06
11 themselves. I didn't need -- see a need to
12 be elaborating profusely on the patents.

13 But my -- my brief description of the
14 patents is -- is on -- it starts on page 12.
15 And -- and it's basically about three pages. 03:24:21
16 It ends in the middle of page 14.

17 Again, because -- because the patents
18 speak for themselves and this is -- this is
19 an infringement report, I didn't see a need
20 to be focusing extensively and profusely on 03:24:38
21 the details of the patent.

22 BY MR. BHANSALI:

23 Q. Is it your understanding that the
24 specification of the patents teaches that a
25 processing element is a tangible object? 03:24:54



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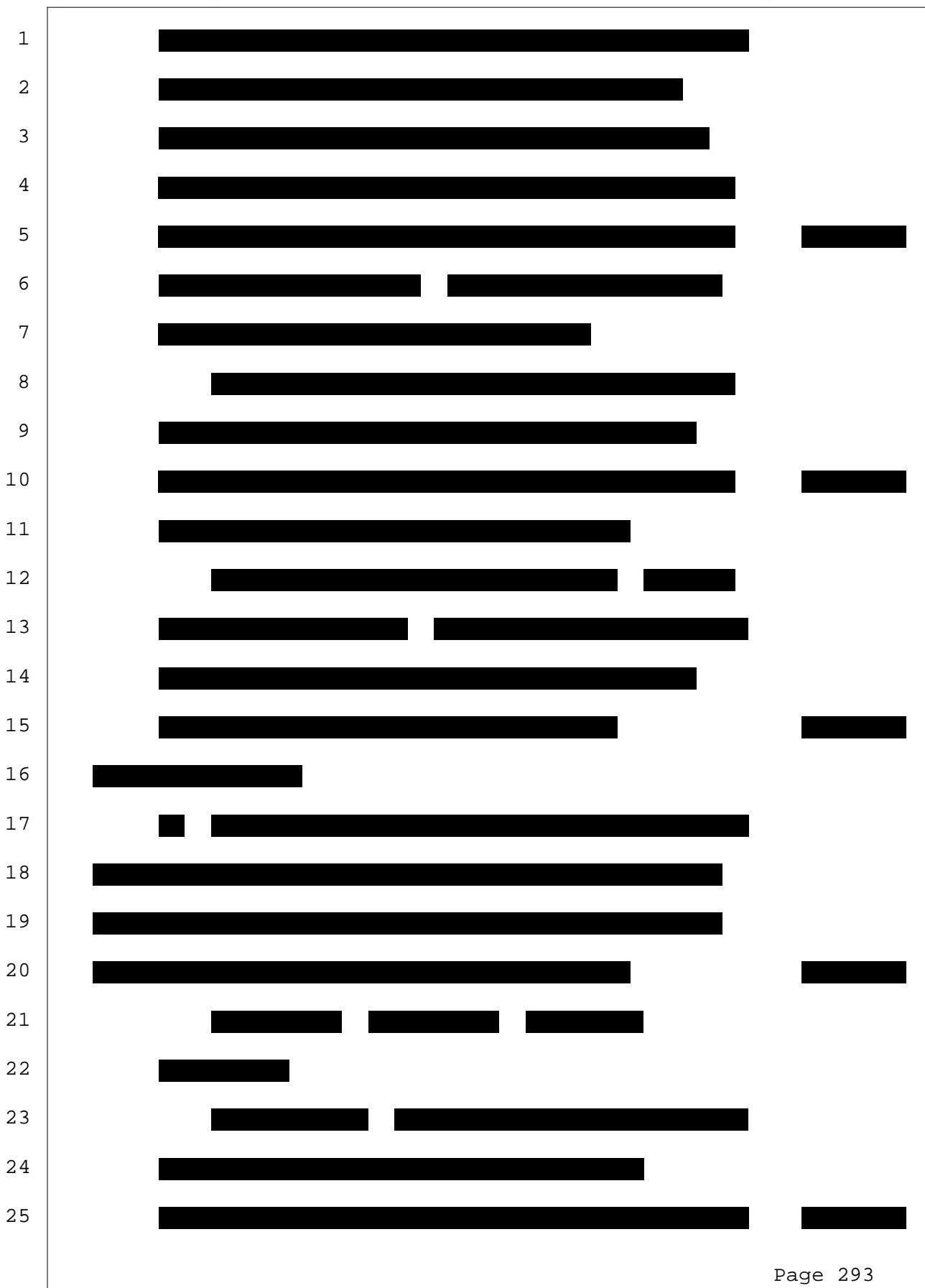
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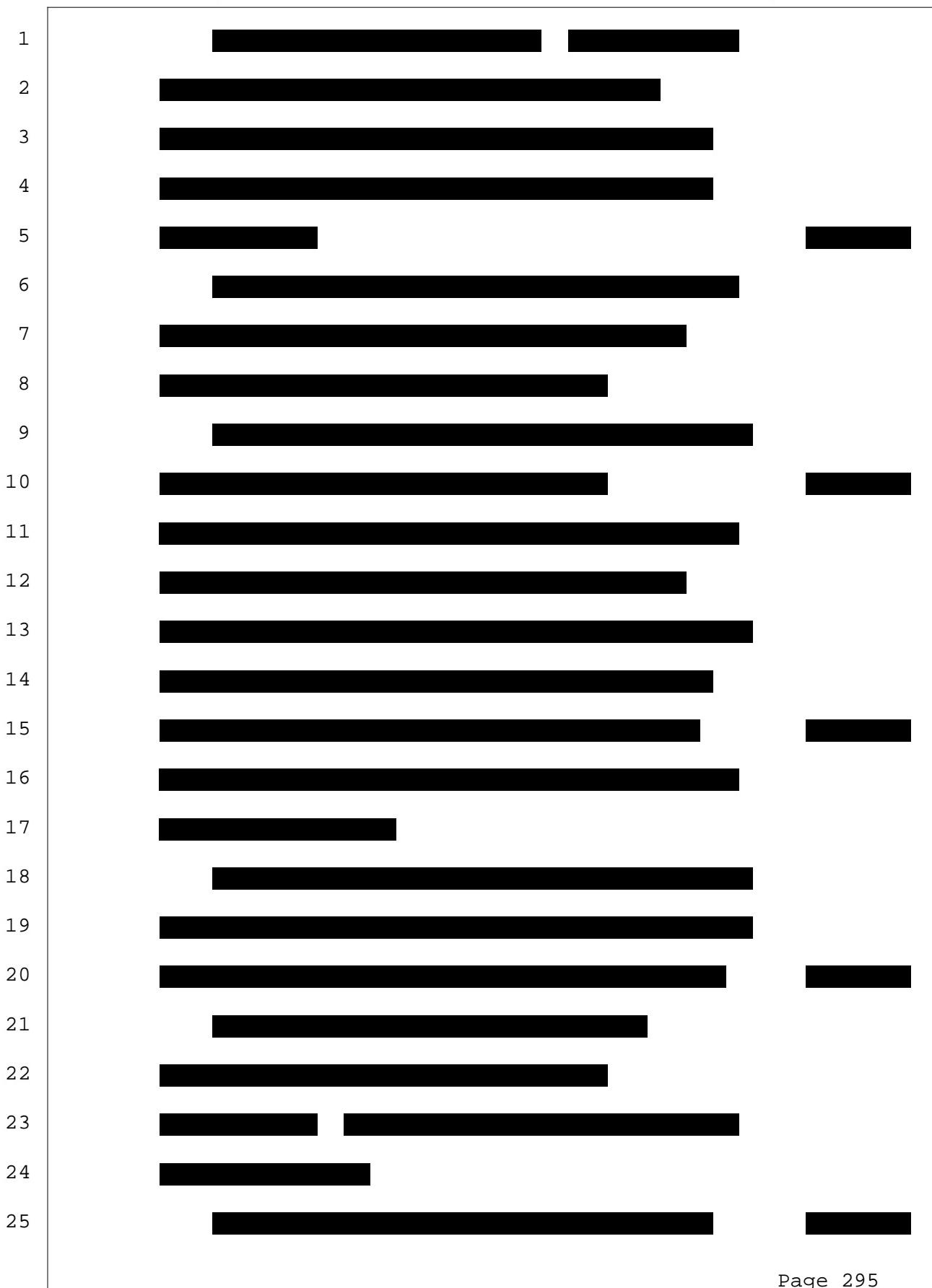
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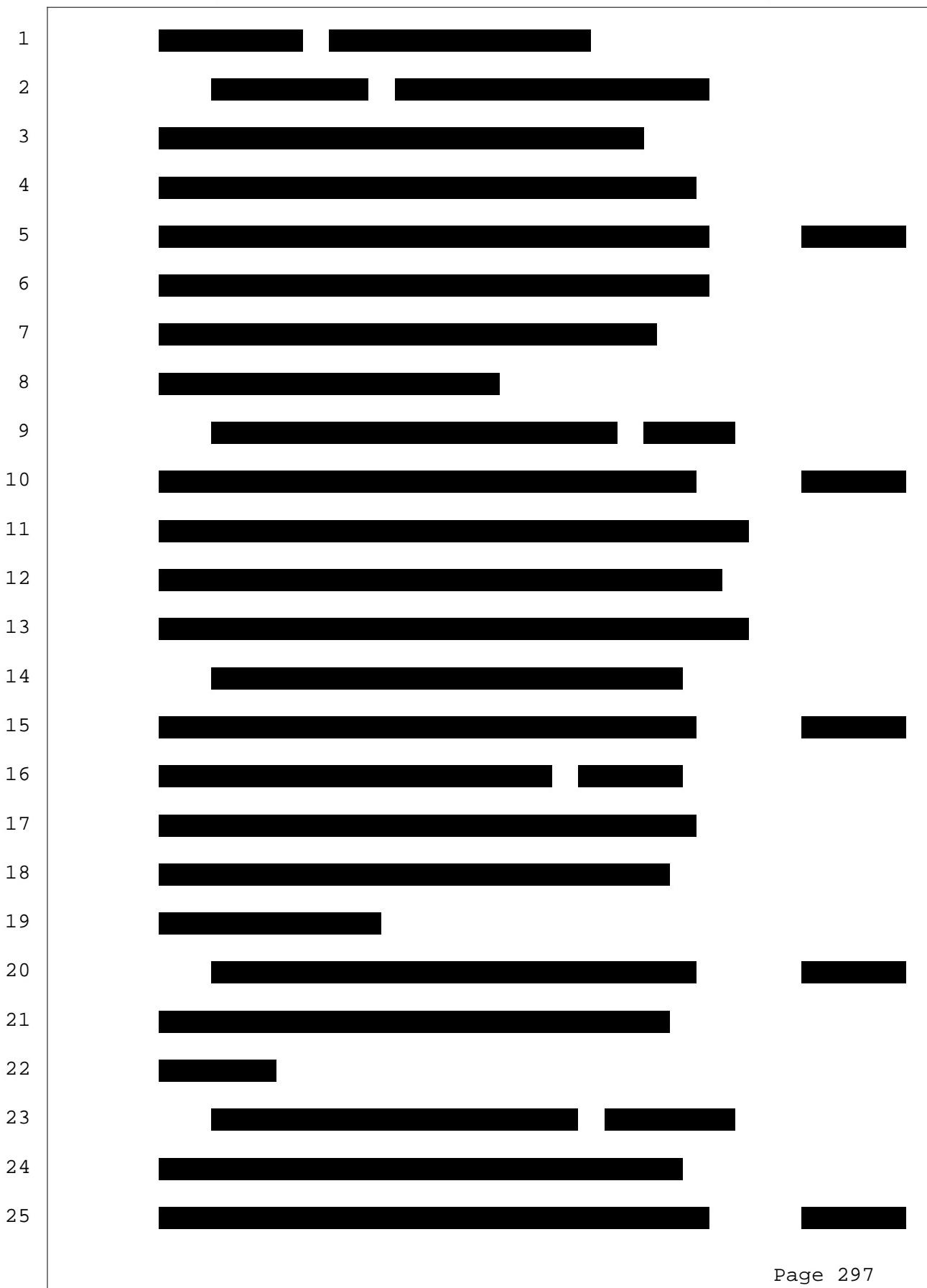
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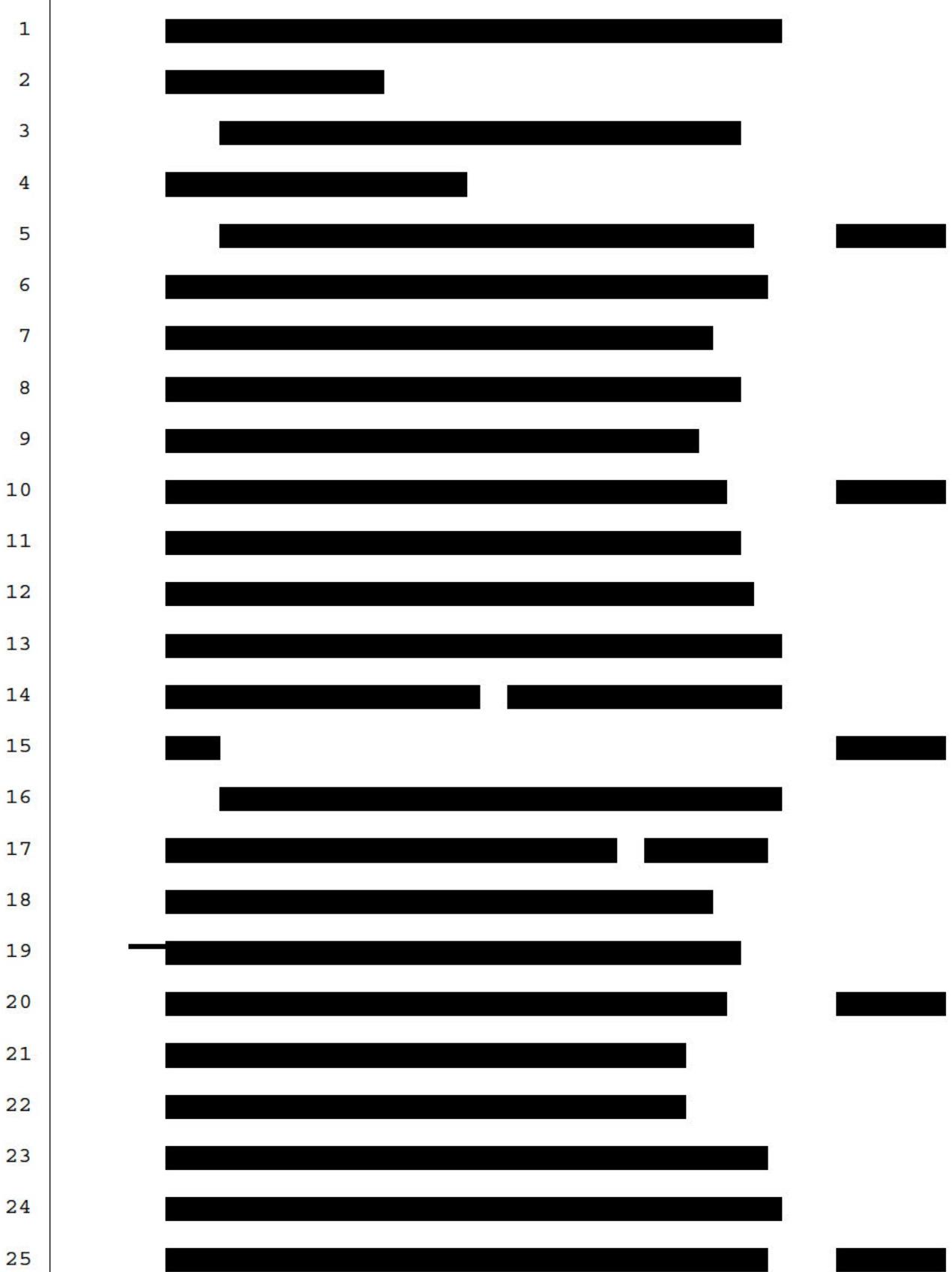


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Page 298

